

June 12, 2012

Dear Honorable Senate Committee Members:

My name is Barbara Runyon. I am a resident of Cass County, Michigan, where I serve as the elected Cass County Clerk/Register. I am a Republican. When I was asked to testify in opposition of SB 1115 thru 1118, my first inclination was to say no; why would I want to relive the nightmare of losing my beloved husband, Dave? But I also knew that it was the right thing to do. After listening to last week's Senate testimony, I realize I am not the only one who has fallen victim to a doctor's medical negligence. I feel it's important for you as lawmakers to hear our stories and see our faces before you vote on such an important reform.

I'd like to share with you a little bit about my husband, David. He was a 47-year-old, healthy, active man who loved to golf, bowl, jog and hunt. He loved his family. Dave worked as a salesman in a local beverage distributorship. We were high school sweethearts and had been married for 26 years. Our sons, Kyle than age 23 and Markus age 20, were basically grown, and it was "our" time to enjoy and spend time with each other.

In November of 2004, Dave began complaining of shortness of breath and was feeling fatigued. We went to the walk-in clinic that Sunday. They performed a chest x-ray and believed he had a lung infection, gave him some medicine, and said to contact his regular physician if he did not feel better. On the following Tuesday, he began feeling worse. He went to our regular physician, who immediately sent him to a cardiologist after performing an EKG.

The cardiologist saw him at his office and made the initial determination that he had a heart attack. He sent him directly to the hospital, through the emergency room, to be admitted.

Paperwork was filled out detailing Dave's medical history, which included a history of blood clots. I personally spoke with the doctor and asked him if it could be related to blood clots, and asked him to look at his leg. He briefly looked at his leg, and did not think there was a correlation. He then conducted an echocardiogram and afterward scheduled a heart catheterization.

On Thursday, November 18th, with our family anxiously waiting, Dave had his heart catheterization. The cardiologist had prepared us to expect a lengthy wait; that Dave would most likely have to have either stent(s) put in or by-pass surgery. Within a short time the cardiologist called us in and informed us there was no heart damage and minimal artery blockage requiring no surgery; that Dave would simply have to watch his diet. We were elated; Dave was not. I remember him saying that he wished they had found something because he still didn't feel good. He was discharged that evening and was told to schedule an appointment in two weeks with the cardiologist.

On Saturday, November 20th, I awoke to Dave screaming my name. He was in the recliner in the family room, was hot, flailing, and could not breathe. Our son called 9-1-1, and Dave died virtually in my arms before the ambulance could arrive. It was such a helpless feeling not being able to help him.

A later autopsy revealed he had died of a large saddle block pulmonary embolism, from a large blood clot. His shortness of breath and fatigue were due to the pulmonary embolism, not his heart. I now know the symptoms he exhibited were typical of a pulmonary embolism. I trusted the doctor to know what he was doing and that his diagnosis was correct. Had the cardiologist just taken the extra step to check for a blood clot, especially knowing his history, Dave would be alive and enjoying his family today.

If the physician's judgment rule is enacted, my case would have been dismissed. Doctors need to be held accountable for their actions, just as we must be accountable for our actions. If you or I make a mistake in our positions, we're either recalled or not elected again. Another example: if we're in a car accident, even though in our judgment we were driving safely, we crash and injure or kill someone, we are held accountable either civilly, criminally or possibly both.

As patients we trust and hold our physicians to a high standard. They're educated, experienced and we trust them to make proper diagnosis; if they cannot do this, they should not be practicing. If Senate Bill 1116 or House Bill 5670 is passed, what accountability would physicians have for their negligence? It appears they would get a pass on either seriously injuring or killing their patient. This is simply inexcusable. Victims must have some type of recourse for a doctor's negligence. Please do not take the victim's rights away from holding a physician responsible.

Knowing that Dave's death could have been prevented is something I will have to live with the rest of my life. There is nothing I can do now, but hopefully my testimony will give you cause to think about how these changes in the law will affect victims of medical malpractice. You never know the pain and suffering you go through until it happens to you. Thank you for taking the time to hear my story.